

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

U.S. BEVERAGE, INC., )  
Plaintiff, )  
v. ) CASE NO. 2:06-cv-496-MEF  
JOHN BUSTER WALKER, II, *et al.*, )  
Defendants. )

## ORDER

It is hereby ORDERED that the parties be prepared to address, with argument and citation to proper legal authorities, the following issues at tomorrow's hearing:

(1) Is there any difference between Alabama law and federal common law on any issue raised by or related to the Motion for Enforcement of Mediated Settlement Agreement or to the Defendants' response thereto?

(2) Given that the case is pending before the Court on both federal question jurisdiction *and* diversity jurisdiction, should this Court apply federal common law or Alabama law to the issues raised by or related to the Motion for Enforcement of Mediated Settlement Agreement or to the Defendants' response thereto?

DONE this the 28th day of August, 2007.

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/s/ Mark E. Fuller

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CHIEF UNITED STATES DISTRICT JUDGE